

**AGENDA ITEM #11**

September 10, 2004

To: Delta Protection Commission

From: Margit Aramburu, Executive Director

Subject: Revised Recommendation Regarding Adoption of Environmental Justice Policy (*For Commission Action*)

**Staff Recommendation:**

It is recommended that the Commission Adopt the **Amended** Environmental Justice Policy.

**Background:**

A new State law requires that State Agencies, Departments, Boards, Commissions and Conservancies adopt an Environmental Justice Policy. Environmental Justice stipulates that public policy be based on mutual respect and justice for all peoples, free from any form of discrimination or bias. It also demands the right to participate as equal partners at every level of decision-making including needs assessment, planning, implementation, enforcement and evaluation.

In October 2003, the Resources Agency adopted an Environmental Justice Policy and required that other agencies under Resources adopt their own Policy. The Commission circulated a Draft Environmental Justice Policy at the November 20, 2003 meeting. The California Bay Delta Authority (CBDA) asked that the Commission make minor changes to the Policy. Commission staff incorporated those changes and placed the Policy on the Commission's website for six months for review and comment. The revised draft also incorporates minor changes recommended by Commissioner Dwight Sanders of the State Lands Commission.

On July 14, 2004, the Native American Heritage Commission sent a letter to Commission staff asking that the Commission add historical resources to its Mission Statement, and add a point in the Environmental Justice Policy that includes consultation with Native American tribes in developing measures to mitigate impacts that will affect Native American culture as a result of DPC projects.

The Policy has been modified to incorporate the Native American Heritage's request to consult with Native Tribes that may be affected by DPC projects. The request to incorporate historical resources to the Commission's Mission Statement will be taken into consideration when the Commission reviews its Mission Statement.

Staff recommends that the Commission adopt the **amended** Environmental Justice Policy. If adopted, the Policy will be posted on the Commission's website permanently.

Attachment

## Environmental Justice Policy

### Delta Protection Commission

#### **Mission Statement of the Delta Protection Commission**

(Strategic Plan, Adopted November 16, 2000)

To protect, maintain, and where possible, enhance and restore the overall quality of the Delta environment, including but not limited to agriculture, wildlife habitat, and recreational activities; assure orderly, balanced conservation and development of Delta land resources and improve flood protection by structural and nonstructural means to ensure an increased level of public health and safety.

#### **Environmental Justice Definition**

California Law defines Environmental Justice as “the fair treatment of people of all races, cultures and income with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies” (Government Code Section 65040.12 and Public Resources Code Sections 71110-71116).

#### **Background**

The concept behind the term “environmental justice” is that all people—regardless of their race, color, nation of origin or income—are able to enjoy equally high levels of environmental protection. Environmental justice communities are commonly identified as those where residents are predominately minorities or low-income; where residents have been excluded from the environmental policy setting or decision-making process; where they are subject disproportionately to other populations, to one or more environmental impacts or hazards; and where residents experience disparate implementation of environmental regulations, requirements, practices and activities in their communities. Environmental justice efforts attempt to address potential inequities of environmental protection for these communities.

#### **Agency Actions**

The Delta Protection Commission will consider environmental justice in its decision-making process if the resulting actions have a potentially significant impact on the environment, environmental laws, or policies. Such actions that require environmental justice consideration may include, but are not limited to:

1. Adopting regulations;
2. Enforcing environmental laws or regulations;
3. Making discretionary decisions or taking actions that affect the environment;
4. Providing funding for activities affecting the environment;
5. Interacting with the public on environmental issues

## **Policy**

It is the policy of the Delta Protection Commission that the fair treatment of people of all races, cultures, and income shall be fully considered during the planning, decision-making, development and implementation of all Commission programs, policies and activities. The intent of this policy is to ensure that the public, including minority and low-income populations, are informed of opportunities to participate in the development and implementation of all Delta Protection Commission programs, policies and activities, and that they are not discriminated against, treated unfairly, or caused to experience disproportionately high and adverse human health or environmental effects from the Commission's environmental decisions.

## **Implementation**

The Delta Protection Commission is committed to incorporating environmental justice in its processes, decisions, and programs by making reasonable efforts toward:

1. Identifying relevant populations that might be adversely affected by programs or projects submitted by outside parties, as appropriate.
2. Seeking out and consulting with community groups and leaders to encourage communication and collaboration prior to taking actions that may have an impact on the environment, environmental laws or policies.
3. *Consulting with Native American Tribes and other cultural groups in the development of measures to mitigate impacts to Native American cultural features resulting from Commission actions.*
4. Broadly distributing public information to encourage participation in public processes.
5. Ensuring that public documents and notices relating to environmental issues that may have an impact on human health are concise, understandable, multilingual, and readily accessible to the public.
6. Holding required public meetings, hearings, and workshops at times and in locations that encourage meaningful public participation by members of affected communities.
7. Working in conjunction with other federal, State, regional, and local agencies to ensure identification and consideration of disproportionate impacts on relevant populations.
8. Fostering broad access to existing and proposed data sets and technology to better identify, analyze, and respond to environmental justice issues.
9. Providing appropriate training to staff on environmental justice issues so that recognition and consideration of such issues are incorporated into daily program activities.